

**Notice of Allowability**

Application No.

10/633,937

Applicant(s)

JOHNSON ET AL.

Examiner

Igor N. Borissov

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Interview Summary of 06/22/2007.
2. ☒ The allowed claim(s) is/are 1-7, 9-25, 27-35, 49-57, 59-72 and 74-95.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                                |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance             |
|  | 9. <input type="checkbox"/> Other _____  |

### ***Response to Amendment***

Amendment received on 04/03/2007 is acknowledged and entered. Claims 36-48 have been withdrawn. Claims 2, 13, 16, 17, 21, 29, 50, 53, 62, 65, 66, 78, 81 and 82 have been amended. New claim 96 have been added. Claims 1-96 are currently pending in the application.

Claim Rejections under 35 USC § 112 have been withdrawn due to the applicant's amendment.

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a personal interview with an applicant's representative Steven E. Halpern (Reg. No.: 51,769) on Friday, June 22, 2005.

During the interview availability of the claims over the prior art of record was discussed. Agreed, the prior art of record does not teach in an automated bidding environment among energy Providers and at least one reseller, in the moderating computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy Providers. Furthermore, changes to the claim language was discussed in order to clarify patentable subject matter and avoid issues under 35 USC 112. Finally, the Representative gave authorization for the Examiner Amendment to thereby place the claims into the condition of allowance. Accordingly, Claim Rejections under 35 USC § 103 have been withdrawn.

The application has been amended as follows:

IN THE CLAIMS

1. (Currently Amended) A method for creating an automated bidding process among energy Providers ~~for the benefit of resellers or customers of resellers~~ in which a moderating<sup>†</sup> computer collects bids from each Provider of a plurality of energy Providers, processes the bids and designates at least one Provider of the plurality of energy Providers to provide energy, consisting of electric power or natural gas, to at least one reseller ~~[[, or to]]~~ for use by at least one customer of the at least one reseller, based on an economic choice in accordance with auction rules, wherein the method comprises:
  - a. in the moderating computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy Providers;
  - b. in the moderating computer, receiving bids to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer of the at least one reseller, processing the bids in accordance with the auction rules to produce processed bid data, and

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storing the bids and the processed bid data in a data base of the moderating computer as first bidding data;

- c. in the moderating computer, transmitting at least a portion of the first bidding data to at least a portion of the plurality of energy Providers; and
  - d. in the moderating computer, designating at least one Provider of the plurality of energy Providers to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer, with each designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or by~~ the at least one customer ~~[[,]]~~ during at least a portion of a specific future time interval.
2. (Currently Amended) A method of Claim 1 in which ~~the at least one reseller or~~ the at least one customer includes at least one end user.
3. (Original) A method of Claim 2 in which at least a first designated Provider is to supply at least a portion of the electric power or natural gas to be used by the at least one end user at at least one end-user facility during at least a portion of the specific future time interval.
4. (Currently Amended) A method of Claim 1 in which the moderating computer designates at least two Providers of the plurality of energy

Providers to provide electric power or natural gas to the at least one reseller [[, or to]] for use by the at least one customer, with each designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or~~ by the at least one customer [[,]] during the specific future time interval.

5. (Currently Amended) A method of Claim 1 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed ~~by the at least one reseller or~~ by the at least one customer.
6. (Original) A method of Claim 1 in which the auction rules include bid formulation requirements specifying the required elements that must be reflected in the bid for the moderating computer to consider the bid valid.
7. (Currently Amended) A method of Claim 6 in which the bid formulation requirements specify that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller ~~[[or-to]]~~ for use by the at least one customer.
8. (Cancelled)

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9. (Original) A method of Claim 1 including, in the moderating computer, transmitting at least a portion of the first bidding data to the at least one reseller.
10. (Currently Amended) A method of Claim 1 comprising, in the moderating computer, receiving decision rules from an administrator associated with the moderating computer or from the at least one reseller, and processing at least a portion of the first bidding data and the decision rules, and designating at least a first designated Provider for the provision of electric power or natural gas to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.
11. (Original) A method of Claim 1 including, in the moderating computer, notifying a first DISCO serving the at least one reseller, or serving the at least one customer, of the designation of at least a first designated Provider.
12. (Currently Amended) A method of Claim 1 in which the moderating computer transmits at least a portion of the first bidding data to at least a portion of the plurality of energy Providers subsequent to designating at least a first designated Provider to provide electric power or natural gas to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.

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13. (Currently Amended) A method of Claim 1 in which the bids to provide electric power or natural gas include bids to provide at least one standard unit or block of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one reseller, or with the at least one customer, to at least a portion of the plurality of energy Providers.~~
14. (Currently Amended) A method of Claim 13 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by ~~the at least one reseller or by the at least one customer.~~
15. (Currently Amended) A method of Claim 13 in which the auction rules include bid formulation requirements specifying that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.
16. (Currently Amended) A method of Claim 1 in which at least a first designated Provider is designated by the moderating computer to supply a fixed quantity of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one reseller, or~~

~~with the at least one customer, to at least a portion of the plurality of energy Providers.~~

17. (Currently Amended) A method of Claim 16 in which at least a first default provider supplies at least a portion of the electric power or natural gas needed by ~~the at least one reseller, or~~ by the at least one customer ~~[[,]]~~ during the specific future time interval.
18. (Currently Amended) A method of Claim 1 in which the moderating computer, or a first DISCO serving the at least one reseller or serving the at least one customer, or an independent meter reading service entity, transmits ~~periodic usage reports associated with the at least one reseller, or with the at least one customer,~~ to at least a first designated Provider, data indicating at least a portion of the quantity of electric power or natural gas used during at least a portion of the specific future time interval by the at least one customer.
19. (Original) A method of Claim 1 in which at least one adjunct computer performs at least a portion of the processing and communications functions of the moderating computer.



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20. (Currently Amended) A method for creating an automated bidding process among energy Providers ~~for the benefit of resellers or customers of resellers~~ in which a moderating computer collects bids from each Provider of a plurality of energy Providers, processes the bids and communicates with a first control computer, thereby enabling the first control computer to designate at least one Provider of the plurality of energy Providers to provide energy, consisting of electric power or natural gas, to at least one reseller ~~[[, or to]]~~ for use by at least one customer of the at least one reseller, based on an economic choice in accordance with auction rules, wherein the method comprises:
- a. in at least one of the moderating computer and the first control computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy Providers;
  - b. in the moderating computer, receiving bids to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer of the at least one reseller, processing the bids in accordance with the auction rules to produce processed bid data, and storing the bids and the processed bid data in a data base of the moderating computer as first control computer data;
  - c. in the moderating computer, transmitting at least a portion of the first control computer data to the first control computer;

- d. in at least one of the moderating computer ~~[[or]]~~ and the first control computer, transmitting at least a portion of the first control computer data to at least a portion of the plurality of energy Providers; and
  - e. in the first control computer, designating at least one Provider of the plurality of energy Providers to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer, with each designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or by~~ the at least one customer ~~[[,]]~~ during at least a portion of a specific future time interval.
21. (Currently Amended) A method of Claim 20 in which ~~the at least one reseller or the~~ at least one customer includes at least one end user.
22. (Original) A method of Claim 21 in which at least a first designated Provider is to supply at least a portion of the electric power or natural gas to be used by the at least one end user at at least one end-user facility during at least a portion of the specific future time interval.
23. (Currently Amended) A method of Claim 20 in which the first control computer designates at least two Providers of the plurality of energy Providers to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer, with each

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designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or~~ by the at least one customer ~~[[,]]~~ during the specific future time interval.

24. (Currently Amended) A method of Claim 20 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed ~~by the at least one reseller or~~ by the at least one customer.

25. (Currently Amended) A method of Claim 20 in which the auction rules include bid formulation requirements specifying that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.

26. (Cancelled)

27. (Currently Amended) A method of Claim 20 comprising, in the first control computer, receiving decision rules from an administrator associated with the first control computer, or from the moderating computer, or from the at least one reseller, and processing at least a portion of the first control computer data and the decision rules, and designating at least a first

designated Provider for the provision of electric power or natural gas to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.

28. (Original) A method of Claim 20 including, in the moderating computer or the first control computer, notifying a first DISCO serving the at least one reseller, or serving the at least one customer, of the designation of at least a first designated Provider.
29. (Currently Amended) A method of Claim 20 in which the bids to provide electric power or natural gas include bids to provide at least one standard unit or block of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one reseller, or with the at least one customer, to at least a portion of the plurality of energy Providers.~~
30. (Currently Amended) A method of Claim 29 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by ~~the at least one reseller or~~ by the at least one customer.
31. (Currently Amended) A method of Claim 29 in which the auction rules include bid formulation requirements specifying that all bids indicate the

quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.

32. (Currently Amended) A method of Claim 20 in which the moderating computer, or the first control computer, or a first DISCO serving the at least one reseller or serving the at least one customer, or an independent meter reading service entity, transmits ~~periodic usage reports associated with the at least one reseller, or with the at least one customer,~~ to at least a first designated Provider, data indicating at least a portion of the quantity of electric power or natural gas used during at least a portion of the specific future time interval by the at least one customer.

33. (Currently Amended) A method of Claim 20 in which the first control computer is operated by the moderating computer, or by the at least one reseller, ~~or by at least one end user,~~ or by a first DISCO serving the at least one reseller or serving the at least one customer.

34. (Currently Amended) A method of Claim 20 in which at least a portion of the processing and communications functions of at least one of the moderating computer ~~[[or]]~~ and the first control computer are performed by at least one adjunct computer.

35. (Original) A method of Claim 20 in which the first control computer is a computer adjunct to the moderating computer.

36-48. (Cancelled)

49. (Currently Amended) A method for conducting an automated bidding process among a plurality of energy Providers ~~for the benefit of resellers or customers of resellers~~, based on an economic choice in accordance with auction rules, comprising:

- a. transmitting at least a portion of historical energy usage data associated with at least one customer of at least one reseller to at least a portion of the plurality of energy Providers;
- b. collecting, from each Provider of a plurality of energy Providers, bids to provide energy, consisting of electric power or natural gas, to at least one reseller ~~[[or-to]]~~ for use by the at least one customer of the at least one reseller;
- c. processing the bids ~~that apply to the at least one reseller, or to the at least one customer,~~ in accordance with the auction rules;
- d. distributing at least a portion of processed bid information to at least a portion of the plurality of energy Providers; and

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- e. designating, on the basis of the processed bid information, at least one Provider of the plurality of energy Providers to provide electric power or natural gas to the at least one reseller ~~[[, or to]]~~ for use by the at least one customer, with each designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or by the at least one customer~~ ~~[[,]]~~ during at least a portion of a specific future time interval.
50. (Currently Amended) A method of Claim 49 in which ~~the at least one reseller or the~~ at least one customer includes at least one end user.
51. (Original) A method of Claim 50 in which at least a first designated Provider is to supply at least a portion of the electric power or natural gas to be used by the at least one end user at at least one end-user facility during at least a portion of the specific future time interval.
52. (Currently Amended) A method of Claim 49 in which each of Steps ~~[[a.-d.]]~~ a.-e. is accomplished by means of computer processing.
53. (Currently Amended) A method of Claim 49 in which at least two Providers of the plurality of energy Providers are designated, on the basis of the processed bid information, to provide electric power or natural gas to the at least one reseller ~~[[,-or to]]~~ for use by the at least one customer, with

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each designated Provider to supply at least a portion of the electric power or natural gas needed ~~by the at least one reseller, or~~ by the at least one customer [[,]] during the specific future time interval.

54. (Currently Amended) A method of Claim 49 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed ~~by the at least one reseller or~~ by the at least one customer.

55. (Original) A method of Claim 49 in which the auction rules include bid formulation requirements specifying the required elements that must be reflected in the bid for the bid to be considered valid.

56. (Currently Amended) A method of Claim 55 in which the bid formulation requirements specify that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller [[or to]] for use by the at least one customer.

57. (Original) A method of Claim 49 including distributing at least a portion of the auction rules to at least a portion of the plurality of energy Providers.

58. (Cancelled)



59. (Original) A method of Claim 49 including transmitting at least a portion of the processed bid information to the at least one reseller.
60. (Currently Amended) A method of Claim 49 including notifying a first DISCO serving the at least one reseller, or serving the at least one customer, of the designation of at least a first designated Provider to provide electric power or natural gas to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.
61. (Currently Amended) A method of Claim 49 including distributing at least a portion of the processed bid information to at least a portion of the plurality of energy Providers subsequent to the designating of at least a first designated Provider to provide electric power or natural gas to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.
62. (Currently Amended) A method of Claim 49 in which the bids to provide electric power or natural gas include bids to provide at least one standard unit or block of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one reseller, or with the at least one customer, to at least a portion of the plurality of energy Providers.~~

63. (Currently Amended) A method of Claim 62 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by ~~the at least one reseller or~~ by the at least one customer.
64. (Currently Amended) A method of Claim 62 in which the auction rules include bid formulation requirements specifying that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one reseller ~~[[or to]]~~ for use by the at least one customer.
65. (Currently Amended) A method of Claim 49 including designating at least a first designated Provider to supply a fixed quantity of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one reseller, or with the at least one customer, to at least a portion of the plurality of energy Providers.~~
66. (Currently Amended) A method of Claim 65 in which at least a first default provider supplies at least a portion of the electric power or natural gas needed by ~~the at least one reseller, or~~ by the at least one customer ~~[[,]]~~ during the specific future time interval.

67. (Currently Amended) A method of Claim 49 including transmitting ~~periodic usage reports associated with the at least one reseller, or with the at least one customer,~~ to at least a first designated Provider, data indicating at least a portion of the quantity of electric power or natural gas used during at least a portion of the specific future time interval by the at least one customer.
68. (Currently Amended) A method for creating an automated bidding process among energy Providers for the benefit of end users in which a moderating computer collects bids from each Provider of a plurality of energy Providers, processes the bids and communicates with a first control computer, thereby enabling the first control computer to designate at least a first Provider of the plurality of energy Providers to provide energy, consisting of electric power or natural gas, to at least one end user, based on an economic choice in accordance with auction rules, wherein the method comprises:
- a. in at least one of the moderating computer and the first control computer, transmitting at least a portion of historical energy usage data associated with the at least one end user to at least a portion of the plurality of energy Providers;
  - b. in the moderating computer, receiving bids to provide electric power or natural gas to the at least one end user, processing the bids in

- accordance with the auction rules to produce processed bid data, and storing the bids and the processed bid data in a data base of the moderating computer as first control computer data;
- c. in the moderating computer, transmitting at least a portion of the first control computer data to the first control computer;
  - d. in at least one of the moderating computer [[or]] and the first control computer, transmitting at least a portion of the first control computer data to at least a portion of the plurality of energy Providers; and
  - e. in the first control computer, designating at least the first Provider of the plurality of energy Providers to provide electric power or natural gas to the at least one end user, with each designated Provider to supply at least a portion of the electric power or natural gas to be used by the at least one end user at at least one end-user facility during at least a portion of a specific future time interval.
69. (Original) A method of Claim 68 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by the at least one end user.
70. (Original) A method of Claim 68 in which the auction rules include bid formulation requirements specifying the required elements that must be reflected in the bid for the moderating computer to consider the bid valid.

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71. (Original) A method of Claim 70 in which the bid formulation requirements specify that all bids indicate the quantity of electric power or natural gas each Provider will provide, at a specific price, to the at least one end user.
72. (Original) A method of Claim 68 in which the moderating computer transmits at least a portion of the auction rules to at least a portion of the plurality of energy Providers.
73. (Cancelled)
74. (Original) A method of Claim 68 including, in the moderating computer or the first control computer, transmitting at least a portion of the first control computer data to the at least one end user.
75. (Original) A method of Claim 68 comprising, in the first control computer, receiving decision rules from an administrator associated with the first control computer, or from the moderating computer, or from the at least one end user, processing at least a portion of the first control computer data and the decision rules, and designating at least the first Provider for the provision of electric power or natural gas to the at least one end user.
76. (Original) A method of Claim 68 including, in the moderating computer or the first control computer, notifying a first DISCO of at least the first

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Provider's designation to provide electric power or natural gas to the at least one end user.

77. (Original) A method of Claim 68 in which the moderating computer or the first control computer transmits at least a portion of the first control computer data to at least a portion of the plurality of energy Providers subsequent to the first control computer designating at least the first Provider to provide electric power or natural gas to the at least one end user.

78. (Currently Amended) A method of Claim 68 in which the bids to provide electric power or natural gas include bids to provide at least one standard unit or block of electric power or natural gas to the at least one end user, ~~and including transmitting historical energy usage data associated with the at least one end user to at least a portion of the plurality of energy Providers.~~

79. (Original) A method of Claim 78 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by the at least one end user.

80. (Original) A method of Claim 78 in which the auction rules specify that all bids indicate the quantity of standard units or blocks of electric power or

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natural gas each Provider will provide, at a specific price, to the at least one end user.

81. (Currently Amended) A method of Claim 68 in which at least a first designated Provider is designated by the first control computer to supply a fixed quantity of electric power or natural gas, ~~and including transmitting historical energy usage data associated with the at least one end user to at least a portion of the plurality of energy providers.~~
82. (Previously Amended) A method of Claim 81 in which at least a first default provider supplies at least a portion of the electric power or natural gas needed by the at least one end user during the specific future time interval.
83. (Original) A method of Claim 68 in which the first control computer is operated by the moderating computer, or by the at least one end user, or by a reseller to the at least one end user, or by a first DISCO serving the at least one end user.
84. (Original) A method of Claim 68 in which the first control computer is a computer adjunct to the moderating computer.

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85. (Currently Amended) A method of Claim 68 in which at least a portion of the processing and communications functions of at least one of the moderating computer ~~[[or]]~~ and the first control computer are performed by at least one adjunct computer.
86. (Currently Amended) A method for conducting an automated bidding process among a plurality of energy Providers for the benefit of Buyers, based on an economic choice in accordance with auction rules, comprising:
- a. receiving, from at least one Buyer, at least one request for future energy supply, consisting of electric power or natural gas;
  - b. processing the at least one request and distributing at least a portion of at least one processed request to a plurality of energy Providers;
  - c. transmitting at least a portion of historical energy usage data associated with the at least one Buyer to at least a portion of the plurality of energy Providers;
  - d. receiving, from at least two Providers of the plurality of energy Providers, bids to provide electric power or natural gas to the at least one Buyer;
  - e. processing the bids in accordance with the auction rules;
  - f. distributing at least a portion of processed bid information to at least a portion of the plurality of energy Providers; and



- g. designating, on the basis of the processed bid information, at least one Provider of the plurality of energy Providers to provide electric power or natural gas to the at least one Buyer, with each designated Provider to supply at least a portion of the electric power or natural gas needed by the at least one Buyer during at least a portion of a specific future time interval.
87. (Currently Amended) A method of Claim 86 in which each of Steps [[a.-f.]] a.-g. is accomplished by means of computer processing.
88. (Original) A method of Claim 86 in which at least two Providers of the plurality of energy Providers are designated, on the basis of the processed bid information, to provide electric power or natural gas to the at least one Buyer, with each designated Provider to supply at least a portion of the electric power or natural gas needed by the at least one Buyer during the specific future time interval.
89. (Original) A method of Claim 86 in which the designated Providers, when their respective commitments are summed, are committed to supply 100% of the electric power or natural gas needed by the at least one Buyer.
90. (Original) A method of Claim 86 in which, as part of the auction rules, bid formulation requirements specify that all bids indicate the quantity of

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electric power or natural gas each Provider will provide, at a specific price, to the at least one Buyer.

91. (Original) A method of Claim 86 including notifying at least one DISCO serving the at least one Buyer of the designation of at least a first designated Provider to provide electric power or natural gas to the at least one Buyer.
92. (Original) A method of Claim 86 including distributing at least a portion of the processed bid information to at least a portion of the plurality of energy Providers subsequent to the designating of at least a first designated Provider to provide electric power or natural gas to the at least one Buyer.
93. (Currently Amended) A method of Claim 86 including transmitting, ~~periodic usage reports associated with the at least one Buyer~~ to at least a first designated Provider, data indicating at least a portion of the quantity of electric power or natural gas used during at least a portion of the specific future time interval by the at least one Buyer.
94. (Original) A method of Claim 86 including distributing at least a portion of the at least one processed request to at least a portion of the plurality of energy Providers by posting the at least a portion of the at least one

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processed request on a website or computer bulletin board accessible to the Providers.

95. (Original) A method of Claim 86 including receiving bids from the at least two Providers by means of a software defined template.

96. (Cancelled)

**Allowable Subject Matter**

Claims 1-7, 9-25, 27-35, 49-57, 59-72 and 74-95 are allowed.

The following is an examiner's statement of reasons for allowance:

As per independent claims 1, 20, 49, 68 and 86, the best prior art, Sibley, Jr. (US 4,677,552) in view of Ausubel (US 6,026,383) teach a method for conducting a dynamic auction, comprising: receiving offers in the central exchange host (moderating computer) to provide and receive oil or gasoline; processing said offers in accordance with auction rules and storing processed data; transmitting at least a portion of said processed data to at least a portion of participants of the auction; and designating at least one provider of the plurality of energy providers to provide electric power or natural gas to the at least one auction participant, wherein participants receive bidding history information regarding other participants.

However, Sibley, Jr. in view of Ausubel fails to teach or fairly suggest: in the moderating computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy providers.

The best foreign art, Venkataraman (EP 0 329 901 A2), while teaching communicating information regarding utility usage, fails to teach or fairly suggest: in the moderating computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy providers.

The best NPL prior art, Mitigating Greenhouse Gas Emissions: Voluntary Reporting; Increasing End-Use Energy Efficiency, 1997, while addressing issues regarding monitoring of energy usage, fails to teach or fairly suggest: in the moderating computer, transmitting at least a portion of historical energy usage data associated with the at least one customer of the at least one reseller to at least a portion of the plurality of energy providers.

The remaining dependent claims are considered allowable, as they are dependent and based off of an allowable independent claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submission should be clearly labeled "Comments on Statement of Reason for Allowance".

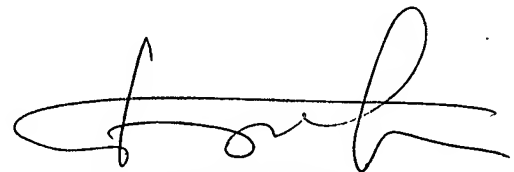
**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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06/24/2007



IGOR N. BORISSOV  
PRIMARY EXAMINER